

1 I would discuss my problems.

2 Q. So you had no conversations directly with
3 Caterpillar; correct?

4 A. Who's that?

5 MS. REIMER: Objection.

6 A. No.

7 Q. No, did you not?

8 A. No, I did not.

9 Q. And up until June 2004 you had no
10 conversations directly with Caterpillar in 2004 on
11 the subject; correct?

12 MS. REIMER: Objection.

13 A. I don't understand who Caterpillar is.
14 There's a difference between Caterpillar and
15 Southworth that I don't understand.

16 Q. The conversations you had were with
17 Mr. Calderbank and Mr. Cardoza; correct?

18 A. Yes.

19 Q. You didn't have any conversations with
20 Troy Guidotti until June 2004 on the subject of
21 compensating Trans-Spec for the expenses and losses
22 it had incurred; correct?

23 A. There were ongoing conversations with
24 other people. I just don't recall who the other

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1 people were in this specific subject. But other
2 problems we had spoken to numerous different
3 Caterpillar people that, when we had a problem, Harry
4 Calderbank or Al Cardoza would get somebody to come
5 up and bring them up and we would discuss the
6 problems.

7 Q. What I'm interested in is knowing with
8 whom you were carrying on negotiations in the year
9 2003 and the first part of 2004 concerning relief
10 that you expect to get from Caterpillar for the
11 flywheel housing problems Trans-Spec was
12 experiencing. Who were those negotiations with?

13 A. Negotiations. I know there's a simple
14 answer to this. I just don't happen to know what it
15 is. But negotiations when you're trying to speak
16 with somebody that will negotiate on something
17 admitting they're being owed something, and the whole
18 idea was to have somebody from Caterpillar agree that
19 there was something owed. And in 2004 Troy and
20 Steve, Troy Guidotti and Steve Schoening agreed on
21 that subject. There was a meeting prior to that. I
22 can picture it. Nothing happened out of it, but that
23 was our first meeting. It was at Southworth in a big
24 conference room the size of this.

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1 Q. There was a meeting in June and there was
2 a meeting in August?

3 A. There was one before that too.

4 Q. There was a third meeting?

5 A. There was a meeting prior to that.

6 Q. With Caterpillar people present?

7 A. You know, there was a lot of people there.

8 And at that time I didn't know the difference between
9 Caterpillar and Southworth. I thought it was one in
10 the same. I thought Al Cardoza and Harry Calderbank
11 worked for Caterpillar. They were selling me
12 warranties from Caterpillar. They were selling me
13 everything from Caterpillar. It wasn't Southworth.
14 Their truck said Caterpillar. Their shirt said
15 Caterpillar. Their hats and I think their undies did
16 too. I can't prove that. But they were Caterpillar
17 through and through. And they represented
18 Caterpillar in my book, and I purchased all that
19 stuff from Caterpillar. And so to differentiate
20 between the two, I really don't know how to answer
21 that.

22 Q. This is the first time I'm hearing about
23 an earlier meeting concerning the flywheel housing
24 problems you were having. So please tell me when

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1 that meeting occurred and everyone who was there.

2 A. We've had -- I've had many meetings with
3 Caterpillar representatives at Southworth, whether
4 they were Caterpillar or not, about all different
5 types of problems that they've always taken care of.
6 And the flywheel housing issues were brought up in
7 one. It wasn't a major problem at the time because
8 it had just started. But they were very well aware
9 of it, and at that time they were still paying for it
10 and repairing them. So it wasn't even an issue. So
11 I don't recall the specific day or exactly what the
12 meeting was primarily about.

13 Q. You had a meeting sometime after the first
14 flywheel housing failure occurred but before
15 Caterpillar stopped reimbursing for the flywheel
16 housing failures, and the meeting was at
17 Southworth-Milton?

18 A. Yes.

19 Q. And who was present at the meeting?

20 A. Well, it was always Harry Calderbank and
21 Al Cardoza.

22 Q. Who else was there?

23 A. I really don't remember. I mean, I'm not
24 sure if they worked for Southworth or Caterpillar

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1 themselves.

2 Q. Regardless of who they were employed by,
3 I'm just interested in the names of the individuals
4 who were present.

5 A. I can't tell you.

6 Q. Was anyone from Trans-Spec other than
7 yourself present?

8 A. I can't recall that either. At times
9 there were.

10 Q. What did you say on the subject of the
11 flywheel housings and what did Mr. Cardoza or
12 Mr. Calderbank say?

13 A. I shouldn't have brought it up, but I
14 I've already testified to, it wasn't a problem at the
15 time because they were taking care of it. It
16 wasn't a consistent -- it was early enough that it
17 wasn't a real serious damaging problem. It was prior
18 to that. So it was early. It might even have been
19 about the previous trucks. I don't know. But it was
20 about the front covers, turbo chargers. We were
21 paying for turbo chargers when I didn't think we
22 should have been. They always discussed the problem
23 and then took care of it, until later in the game.

24 Q. Do you remember anything Mr. Cardoza said

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1 at that meeting?

2 A. No, nothing that would stand out.

3 Q. Do you remember anything Mr. Calderbank
4 said at that meeting?

5 A. No. The problems were just taken care of,
6 and it was a non-issue.

7 Q. So I return to my question. After you
8 brought to Mr. Parks's attention the flywheel housing
9 problem that you were having and Caterpillar's
10 unwillingness to grant you relief that you thought
11 you were entitled to, what negotiations, what
12 discussions toward obtaining relief were you having,
13 who were you having them with?

14 A. Well, in March we were talking about a
15 meeting. And then it was supposed to happen in
16 April, and then it was postponed until June, and then
17 they decided to have another meeting which was in
18 August. And too much time was passing by, and
19 nothing was being corrected fast enough. And in June
20 they agreed to -- I believe it was June. They agreed
21 to start fixing trucks again, but it wasn't getting
22 done to the point that it was helping us. Trucks
23 were still down so, you know, so many of them down
24 for such a long period of time.

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Exhibit L

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